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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the following papers are being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (703) 872-9306) on July 27, 2004.

Mark P. Levy
Name(printed)

Signature

27,922
Reg. No.

July 27, 2004

Application of:

Application No. : 09/965,142
Docket No. : 483471-009-C1
Applicant : James M. Keegan et al.
Filed : September 27, 2001
Title : ALUMINUM METAL-CORE WELD WIRE
AND METHOD FOR FORMING THE SAME
Art Unit : 1725
Examiner : Elve, Maria Alexandra

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COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA VA 22313-1450

Sir:

Transmitted herewith is/are the following paper(s):

- ☐ Response to Office action.
☐ Fee Transmittal Form.
☐ Extension of Time Request.
☒ Other (Request for Withdrawal of Request for Substitute Declaration)
☒ Total Number of Pages in This Submission
6 (1 page Transmittal Sheet ; 2 page Supplement; 3 page Attachment)

The applicant(s) hereby authorizes the Commissioner under 37 C.F.R. §1.136(a)(3) to treat any paper that is filed in this application which requires an extension of time as incorporating a request for such an extension.

The Commissioner is authorized to charge any additional fee required by any paper submitted in this application (including the fee for any additional extension of time) or to credit any overpayment to Deposit Account No. 20-0809.

Respectfully submitted,

By:

Mark P. Levy
Reg. No. 27,922
(937) 443-6949

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner Elve:

REQUEST FOR WITHDRAWAL OF REQUEST FOR SUBSTITUTE DECLARATION

The Notice of Allowance dated June 25, 2004 requested the submission of a substitute oath or declaration because the third inventor, Sushil R. Jana, failed to sign the oath.

Mr. Jana refused to sign the oath and the applicants petitioned for and were accorded Rule 1.47(a) status in the letter of July 26, 2002 enclosed herein. As stated in the Manual of Patent Examining Procedure ("MPEP") §409.03(a), a copy of which has been enclosed for your convenience, under Rule 1.47(a) inventors are required to sign an oath or declaration on behalf of themselves and the non-signing inventor:

An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having

Appln. No.: 09/965,142
Docket No.: 483471-009-C1
Request for Withdrawal of Request for Substitute Declaration

been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

A declaration signed by all of the joint inventors, except Mr. Jana, was submitted on July 15, 2002.

In view of the foregoing, the applicants respectfully request that the request for a substitute declaration be withdrawn. In the event that this request is denied, the applicants petition under 37 CFR 1.181 for withdrawal of the request for a substitute declaration.

Please contact the undersigned attorney with any questions regarding this matter.

Respectfully submitted,

By: 

Mark P. Levy
Reg. No. 27,922

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